

Clay M. Taylor  
 Bryan C. Assink  
 BONDS ELLIS EPPICH SCHAFER JONES LLP  
 420 Throckmorton Street, Suite 1000  
 Fort Worth, Texas 76102  
 (817) 405-6900 telephone  
 (817) 405-6902 facsimile  
 Email: clay.taylor@bondsellis.com  
 Email: bryan.assink@bondsellis.com

**Attorneys for James Dondero**

Deborah Deitsch-Perez  
 Michael P. Aigen  
 STINSON LLP  
 3102 Oak Lawn Avenue, Suite 777  
 Dallas, Texas 75219  
 (214) 560-2201 telephone  
 (214) 560-2203 facsimile  
 Email: deborah.deitschperez@stinson.com  
 Email: michael.aigen@stinson.com

**Attorneys for James Dondero, Nancy Dondero,  
 Highland Capital Management Services, Inc. and  
 HCRE Partners, LLC**

Davor Rukavina  
 Julian P. Vasek  
 MUNSCH HARDT KOPF & HARR, P.C.  
 500 N. Akard Street, Suite 3800  
 Dallas, Texas 75202-2790  
 (214) 855-7500 telephone  
 (214) 978-4375 facsimile  
 Email: drukavina@munsch.com

**Attorneys for NexPoint Advisors, L.P. and  
 Highland Capital Management Fund Advisors, L.P.**

**IN THE UNITED STATES BANKRUPTCY COURT  
 FOR THE NORTHERN DISTRICT OF TEXAS  
 DALLAS DIVISION**

**In re:** § **Case No. 19-34054**

**HIGHLAND CAPITAL MANAGEMENT, L.P.** § **Chapter 11**

**Debtor.** §

**HIGHLAND CAPITAL MANAGEMENT, L.P.,** §

**Plaintiff,** §

**Adv. Proc. No. 21-03003-sgj** §

**vs.** §

**JAMES DONDERO, NANCY DONDERO, AND  
 THE DUGABOY INVESTMENT TRUST,** §

**Defendants.** §

<b>HIGHLAND CAPITAL MANAGEMENT, L.P.,</b>	§	
<b>Plaintiff,</b>	§	
<b>vs.</b>	§	<b>Adv. Proc. No. 21-03005-sgj</b>
<b>NEXPOINT ADVISORS, L.P., JAMES</b>	§	
<b>DONDERO, NANCY DONDERO, AND</b>	§	
<b>THE DUGABOY INVESTMENT TRUST,</b>	§	
<b>Defendants.</b>	§	
<b>HIGHLAND CAPITAL MANAGEMENT, L.P.,</b>	§	
<b>Plaintiff,</b>	§	
<b>vs.</b>	§	<b>Adv. Proc. No. 21-03006-sgj</b>
<b>HIGHLAND CAPITAL MANAGEMENT</b>	§	
<b>SERVICES, INC., JAMES DONDERO,</b>	§	
<b>NANCY DONDERO, AND THE DUGABOY</b>	§	
<b>INVESTMENT TRUST,</b>	§	
<b>Defendants.</b>	§	
<b>HIGHLAND CAPITAL MANAGEMENT, L.P.,</b>	§	
<b>Plaintiff,</b>	§	<b>Adv. Proc. No. 21-03007-sgj</b>
<b>vs.</b>	§	
<b>HCRE PARTNERS, LLC (n/k/a NexPoint Real</b>	§	
<b>Estate Partners, LLC), JAMES DONDERO,</b>	§	
<b>NANCY DONDERO, AND THE DUGABOY</b>	§	
<b>INVESTMENT TRUST,</b>	§	
<b>Defendants.</b>	§	

**APPENDIX IN SUPPORT OF DEFENDANTS' REPLY IN SUPPORT OF  
DEFENDANTS' MOTION TO STRIKE APPENDIX IN SUPPORT OF  
PLAINTIFF'S REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT  
OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST  
THE ALLEGED AGREEMENT DEFENDANTS**

Defendants James Dondero, NexPoint Advisors, L.P., Highland Capital Management Services, Inc., and HCRE Partners, LLC file this *Appendix in Support of Defendants' Reply in Support of Defendants' Motion to Strike Appendix in Support of Plaintiff's Reply Memorandum of Law in Further Support of its Motion for Partial Summary Judgment Against the Alleged Agreement Defendants*, and request the Court take judicial notice of the documents contained herein.

<b>Exhibit</b>	<b>Document</b>	<b>Appendix Page(s)</b>
<b>1</b>	<b>Declaration of Michael Aigen, dated April 1, 2022</b>	App. 1-4
A	Email from Deborah Deitsch-Perez to J. Morris, dated October 28, 2021	App. 5-6

Dated: April 1, 2022

Respectfully submitted,

/s/Deborah Deitsch-Perez

Deborah Deitsch-Perez  
State Bar No. 24036072  
Michael P. Aigen  
State Bar No. 24012196  
STINSON LLP  
3102 Oak Lawn Avenue, Suite 777  
Dallas, Texas 75219  
(214) 560-2201 telephone  
(214) 560-2203 facsimile  
Email: deborah.deitschperez@stinson.com  
Email: michael.aigen@stinson.com

**ATTORNEYS FOR JAMES DONDERO, NANCY  
DONDERO, HIGHLAND CAPITAL MANAGEMENT  
SERVICES, INC. AND NEXPOINT REAL ESTATE  
PARTNERS, LLC**

/s/Clay M. Taylor

Clay M. Taylor  
State Bar No. 24033261  
Bryan C. Assink  
State Bar No. 24089009  
BONDS ELLIS EPPICH SCHAFFER JONES LLP  
420 Throckmorton Street, Suite 1000  
Fort Worth, Texas 76102  
(817) 405-6900 telephone  
(817) 405-6902 facsimile  
Email: clay.taylor@bondsellis.com  
Email: bryan.assink@bondsellis.com  
**ATTORNEYS FOR JAMES DONDERO**

/s/Davor Rukavina

Davor Rukavina  
Julian P. Vasek  
MUNSCH HARDT KOPF & HARR, P.C.  
500 N. Akard Street, Suite 3800  
Dallas, Texas 75202-2790  
(214) 855-7500 telephone  
(214) 978-4375 facsimile  
Email: drukavina@munsch.com

**ATTORNEYS FOR NEXPOINT ADVISORS, L.P. AND  
HIGHLAND CAPITAL MANAGEMENT FUND  
ADVISORS, L.P.**

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that, on April 1, 2022, a true and correct copy of the foregoing document was served via the Court's CM/ECF system on counsel for Plaintiff Highland Capital Management, L.P. and on all other parties requesting or consenting to such service in this case.

/s/Deborah Deitsch-Perez

Deborah Deitsch-Perez

# **Exhibit 1**

Clay M. Taylor  
 Bryan C. Assink  
 BONDS ELLIS EPPICH SCHAFER JONES LLP  
 420 Throckmorton Street, Suite 1000  
 Fort Worth, Texas 76102  
 (817) 405-6900 telephone  
 (817) 405-6902 facsimile  
 Email: clay.taylor@bondsellis.com  
 Email: bryan.assink@bondsellis.com

**Attorneys for James Dondero**

Deborah Deitsch-Perez  
 Michael P. Aigen  
 STINSON LLP  
 3102 Oak Lawn Avenue, Suite 777  
 Dallas, Texas 75219  
 (214) 560-2201 telephone  
 (214) 560-2203 facsimile  
 Email: deborah.deitschperez@stinson.com  
 Email: michael.aigen@stinson.com

**Attorneys for James Dondero, Nancy Dondero,  
 Highland Capital Management Services, Inc. and  
 HCRE Partners, LLC**

Davor Rukavina  
 Julian P. Vasek  
 MUNSCH HARDT KOPF & HARR, P.C.  
 500 N. Akard Street, Suite 3800  
 Dallas, Texas 75202-2790  
 (214) 855-7500 telephone  
 (214) 978-4375 facsimile  
 Email: drukavina@munsch.com

**Attorneys for NexPoint Advisors, L.P. and  
 Highland Capital Management Fund Advisors, L.P.**

**IN THE UNITED STATES BANKRUPTCY COURT  
 FOR THE NORTHERN DISTRICT OF TEXAS  
 DALLAS DIVISION**

<b>In re:</b>	§	<b>Case No. 19-34054</b>
---------------	---	--------------------------

<b>HIGHLAND CAPITAL MANAGEMENT, L.P.</b>	§	<b>Chapter 11</b>
--	---	-------------------

<b>Debtor.</b>	§	
----------------	---	--

---

<b>HIGHLAND CAPITAL MANAGEMENT, L.P.,</b>	§	
---	---	--

<b>Plaintiff,</b>	§	
-------------------	---	--

	§	<b>Adv. Proc. No. 21-03003-sgj</b>
--	---	------------------------------------

<b>vs.</b>	§	
------------	---	--

<b>JAMES DONDERO, NANCY DONDERO, AND              THE DUGABOY INVESTMENT TRUST,</b>	§	
---	---	--

<b>Defendants.</b>	§	
--------------------	---	--

---

HIGHLAND CAPITAL MANAGEMENT, L.P.,	§
	§
Plaintiff,	§
	§
vs.	§ Adv. Proc. No. 21-03005-sgj
	§
NEXPOINT ADVISORS, L.P., JAMES	§
DONDERO, NANCY DONDERO, AND	§
THE DUGABOY INVESTMENT TRUST,	§
	§
Defendants.	§
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§
	§
Plaintiff,	§
	§ Adv. Proc. No. 21-03006-sgj
vs.	§
	§
HIGHLAND CAPITAL MANAGEMENT	§
SERVICES, INC., JAMES DONDERO,	§
NANCY DONDERO, AND THE DUGABOY	§
INVESTMENT TRUST,	§
	§
Defendants.	§
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§
	§ Adv. Proc. No. 21-03007-sgj
Plaintiff,	§
vs.	§
	§
HCRE PARTNERS, LLC (n/k/a NexPoint Real	§
Estate Partners, LLC), JAMES DONDERO,	§
NANCY DONDERO, AND THE DUGABOY	§
INVESTMENT TRUST,	§
	§
Defendants.	§

**DECLARATION OF MICHAEL P. AIGEN IN SUPPORT OF DEFENDANTS’  
REPLY IN SUPPORT OF DEFENDANTS’ MOTION TO STRIKE APPENDIX IN  
SUPPORT OF PLAINTIFF’S REPLY MEMORANDUM OF LAW IN FURTHER  
SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST  
THE ALLEGED AGREEMENT DEFENDANTS**

Michael P. Aigen, pursuant to 28 U.S.C. § 1746(a), under penalty of perjury, declares as follows:

1. I am a member of the law firm of Stinson LLP, counsel to Defendant James Dondero, Highland Capital Management Services, Inc. and HCRE Partners, LLC n/k/a NexPoint Real Estate Partners, LLC, and I submit this Declaration in support of the *Defendants' Reply in*



*Support of Defendants' Motion to Strike Appendix in Support of Plaintiff's Reply Memorandum of Law in Further Support of its Motion for Partial Summary Judgment Against the Alleged Agreement Defendants*, which is being filed concurrently with this Declaration. I submit this Declaration based on my personal knowledge and the documents listed below.

2. Attached as **Exhibit A** is a true and correct copy of an email from Deborah Deutsch-Perez to J. Morris, dated October 28, 2021.

Dated: April 1, 2022

/s/Michael P. Aigen

Michael P. Aigen

# **Exhibit A**

---

**From:** Deitsch-Perez, Deborah R.  
**Sent:** Thursday, October 28, 2021 3:37 PM  
**To:** John A. Morris  
**Cc:** Aigen, Michael P.  
**Subject:** Your requests

John, I have lost track of which I have answered and which not, but to summarize what I thought you had asked about the term loans, in addition to the subsequent agreement defense, there are also defenses relating to Highland's failure to pay the term loans, covered by the waiver and estoppel paragraphs and relating to prepayment, covered by the justification paragraph.

I am not answering your request for a list of trial witnesses, because that is premature.

Are there any other documents (besides the book you sent) that you want Jim to have access to for the deposition? Thx,  
Deborah

Deborah R. Deitsch-Perez  
Partner  
Dallas  
214.560.2218  
x62218